



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/438

Enquiries: Ms Constance Musemburi

Telephone: 012-399-9416 **E-mail:** CMusemburi@environment.gov.za

Ms Martina Phiri
Eskom Holdings SOC Limited
P. O. Box 1091
JOHANNESBURG
2000

Tel: (011) 800 3550
E-mail: PhiriM@eskom.co.za

PER EMAIL / MAIL

Dear Ms Phiri

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543, 544 AND 545: CONSTRUCTION OF THE PERSEUS-KRONOS 765KV TRANSMISSION POWER LINE AND SUBSTATIONS UPGRADES, NORTHERN CAPE AND FREE STATE PROVINCES

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

By hand: Environment House
473 Steve Biko Road
Arcadia,
Pretoria,
0083, or

By post: Private Bag X 447,
Pretoria,
0001;

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 14/02/2019

Cc	Mr Mpho Nenweli	Mokgope Consulting cc	Tel: 021 461 1118/9	Email: judy@mokgope.co.za
	Ms Dorien Werth	Department of Environment and Nature Conservation	Tel: 053 807430/56	Dwerth@ncpg.gov.za

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal must be:-

- a) submitted in writing;
- b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

**PROPOSED CONSTRUCTION OF THE PERSEUS-KRONOS 765KV TRANSMISSION POWER LINE AND
SUBSTATIONS UPGRADES, NORTHERN CAPE AND FREE STATE PROVINCES.**

**Lejweleputswa District Municipality, Pixley Ka Seme District Municipality, Xhariep
District Municipality, Frances Baard District Municipality and Karoo District Municipality**

Authorisation register number:	14/12/16/3/3/2/438
NEAS reference number:	DEA/EIA/0001555/2012
Last amended:	First issue
Holder of authorisation:	Eskom Holdings SOC Limited.
Location of activity:	FREE STATE PROVINCE: Within the Tokologo Local Municipality, Thembelihle Local Municipality and Siyancuma Local Municipality, Letsemeng Local Municipality and Sol Plaatje Local Municipality. NORTHERN CAPE PROVINCE: Within the Siyathemba Local Municipality

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2010.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises

ESKOM HOLDINGS SOC LIMITED

with the following contact details –

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 and 3 (GN R. 544, 545 & 546):

Listed Activities	Project/Activities Description
<p><u>GN R. 544 Item 11</u> <i>The construction of</i> <i>(xi) infrastructure or structures covering 50 square metres or more</i> <i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p>	<p>The footprint working area for each of the tower structures to be constructed will range from approximately 210.25m² to 2 125.68m². These area footprints exceed the threshold of 50m². Some of the tower structures will be constructed within a watercourse and within 32m of a watercourse.</p>
<p><u>GN R. 544 Item 13</u> <i>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;</i></p>	<p>Oil collection dams will be built to collect and store transformer oils in cases of spillages at Helios and Juno substations. The biggest transformer in a substation will contain up to 180m³ of oil. The oil dams will be built to accommodate a capacity of 216m³ of transformer oil. Therefore the capacity of the oil dams will exceed the threshold of 80m³ but less than 500m³.</p>
<p><u>GN R. 544 Item 22</u> <i>The construction of a road, outside urban areas,</i> <i>(ii) where no reserve exists where the road is wider than 8 metres, or</i></p>	<p>Temporary access roads will be required for construction vehicles to transport construction equipment and workers to and from tower position sites. Access roads will be established through recurring use. There will be no blading or scraping of a new road</p>
<p><u>GN R. 544 Item 38</u> <i>The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will</i></p>	<p>Both Perseus and Kronos substations will entail an upgrade of their capacity and footprint increase to accommodate the 765kV transmission capacity. The current</p>

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<p><i>exceed 275 kilovolts and the development footprint will increase.</i></p>	<p>footprint at Perseus substation is approximately 66ha and will be expanded by approximately 13.5ha on the west side of the 765kV terrace. The current footprint at Kronos substation is approximately 17ha and will be expanded by approximately 26ha on the southern side of the existing 400kV yard.</p>
<p><u>GN R. 545 Item 8</u> <i>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</i></p>	<p>The proposed project involves the construction of a 765kV transmission power line from the Perseus substation near Dealesville in the Free State Province to Kronos substation near Copperton in the Northern Cape Province. The length of the power line will be approximately 388km.</p>
<p><u>GN R. 546 Item 12</u> <i>The clearance of an area of 300m² or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i> <i>(a) Within a critically endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identifies as critically endangered on the National Spatial Biodiversity Assessment 2004</i></p>	<p>The proposed development will traverse ESAs and CBAs.</p>
<p><u>GN R. 546 Item 14</u> <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation...</i> <i>(a) In Northern Cape and Western Province:</i> <i>(i) All areas outside urban areas.</i></p>	<p>More than 75% of indigenous vegetation will be cleared for the proposed development.</p>
<p><u>GN R. 546 Item 16</u> <i>The construction of:</i></p>	<p>The proposed development will impact on ESA and CBAs</p>

<p><i>(iv) Infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p> <p>(a) in Northern Cape Province and Free State Province:</p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas; and</i></p> <p><i>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5km from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve</i></p>	
<p><u>GN R. 546 Item 24</u></p> <p><i>The expansion of</i></p> <p><i>(d) infrastructure where the infrastructure will be expanded by 10 square metres or more</i></p> <p>(a) In Free State and Northern Cape Province</p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p>	<p>Perseus substation will be expanded to approximately 13.5ha on the west side of the 765kV terrace. The expansion footprint exceeds the threshold of 10m², and will be expanded within 32m of a watercourse.</p>

as described in the amended Environmental Impact Assessment Report (EIAR) dated December 2018 at:

Kronos Substation	Latitude (S)	Longitude (E)
	30°1'28.945"S	22°20'20.994"E

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Perseus Substation	Latitude (S)	Longitude (E)
	28°38'28.669"S	25°44'38.544"E

Preferred route – Corridor 1 with Deviations 1A, 1B, 1C & 1D	Latitude (S)	Longitude (E)
Starting point of Activity (Perseus Substation)	28°38'28.669"S	25°44'38.544"E
Middle point of Activity	29°28'28.942"S	29°28'28.942"E
End point of Activity (Kronos Substation)	30°1'28.945"S	22°20'20.994"E

- for the proposed construction of a 765kV transmission power line from the Perseus Substation to the Kronos Substation, and upgrade the substations within the Lejweleputswa District Municipality, Pixley Ka Seme District Municipality, Xhariep District Municipality, Frances Baard District Municipality and Karoo District Municipality of the Free State Province and Northern Cape Province, hereafter referred to as "the property".

The proposed development entails the construction of a 765kV transmission from Perseus Substation to Kronos Substation. The proposed 765kV transmission power line will be associated with upgrades at both substations, which would entail the capacity upgrades and footprint expansions to accommodate the power line. The total length of the transmission power line from Perseus to Kronos Substation will be approximately 388km. Further, a servitude width of 80m will be required to accommodate the installation of towers upon which the transmission power line will be constructed.

The components of the proposed development are as follows:

- Construction of a 765kV power line to connect to the substations;
- Include a 765kV yard at the substations;
- Include a 765kV busbar at the substations;
- Include a 2 x 765/400kV transformers at the substations;
- Extending the 400kV yard at the substations;
- Extending the 400kV busbars at the substations;
- The current footprint at Perseus Substation is approximately 66ha and will be expanded by approximately 13.5ha on the west side of the 765kV terrace.

- The current footprint at Kronos Substation is approximately 17ha and will be expanded by approximately 26ha on the southern side of the existing 400kV yard.

At Perseus and Kronos Substations, storage of diesel vehicle fuel and transformer oils will be required. The diesel vehicle fuel of 10m³ will be stored in containers (at a time) at the substations for refuelling of construction vehicles. The oil collection dams will be built to collect and store the transformer oils in cases of spillages. The oil dams would be built according to the oil volume of the largest transformer in the substation plus a 20% margin.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred route which starts at Perseus Substation along route (corridor) Alternative 1 with Deviations 1A, 1B, 1C and 1D and ends at Kronos Substation be approved for the proposed construction of a 765kV Transmission line from the Perseus Substation to the Kronos Substation, and upgrade the substations within the Lejweleputswa District Municipality, Pixley Ka Seme District Municipality, Xhariep District Municipality, Frances Baard District Municipality and Karoo District Municipality of the Free State Province and Northern Cape Province, with the abovementioned coordinates as indicated in the amended EIAR dated December 2018 is hereby authorised.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

6. This activity must commence within a period of five (5) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must apply for an amendment of environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

Monitoring

13. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
 - 13.1. The ECO must be appointed before commencement of any authorised activities.
 - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
 - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
 - 13.5. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

18. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
19. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you must not commence with the activity until such time that the appeal has been finalised.

Notification to authorities

20. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

21. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

22. Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

23. An ecological specialist, avifauna specialist, agricultural specialist, and wetland specialist must be commissioned to perform a final walkthrough of the site once the final route alignment and tower positions have been identified. The specialists must cover buffer identification, sensitive sites identification, no-go areas identification, fine scale mapping and site specific mitigation measures

within the approved corridor. These specialist reports must be submitted to the Department for approval prior to construction.

24. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
25. Only indigenous plants of the area must be utilised for the rehabilitation purposes.
26. Construction areas must be clearly demarcated and only approved areas must be used for storage and cement mixing. Any cement or concrete mixing must be done on an impervious surface to prevent soil contamination.
27. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
28. Any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

29. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
30. The holder of the authorisation must notify both the *Chief Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

31. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority will not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 14/02/2019



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the amended EIAR dated December 2018;
- b) The comments received from organs of state and interested and affected parties as included in the amended EIAR dated December 2018;
- c) The sense of balance of the negative and positive impacts and proposed mitigation measures as provided in the amended EIAR dated December 2018 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the amended EIAR dated December 2018; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project was well explained and the Department considered the need of the project.
- c) The amended EIAR dated December 2018 identified the relevant legislations and guidelines that have been considered in the preparation of the EIAR.
- d) The methodology used in assessing the potential impacts identified in the amended EIAR dated December 2018 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the amended EIAR dated December 2018 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR and will be amended so as to manage the identified site specific environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.